

## Chapter 5 — Land Use Planning and Management

**T**he decision-makers for the BLM (Wyoming State Director) and FS (Medicine Bow-Routt National Forests Supervisor) will make several decisions based on the analysis documented in this EIS. First, they will determine whether any changes to current designations of areas open or closed to oil and gas leasing need to occur. Second, they will determine whether current RMP or LRMP lease stipulations are adequate or if new stipulations need to be developed. Third, they will determine if new mitigation measures need to be adopted. Finally, they will determine if any of the management plans need to be amended.

For the BLM, the analyses contained in this EIS will provide the basis for amending the RMPs. The Final EIS and ROD would serve as amendments to the Buffalo and Casper RMP's. For the FS, this analysis and decision would revise previous decisions made by the FS for the TBNG.

Public lands administered by the BLM and FS are generally available for oil and gas leasing, exploration, and development. Decisions to lease oil and gas are an outcome of the analysis and decision of the planning process. Part of that decision is not only what lands will be leased but under what conditions. Conditions under which the lands will be leased are called "stipulations".

Existing federal (BLM and/or FS) oil and gas leases within the Project Area contain various stipulations concerning surface disturbance, surface occupancy, limited surface use, and timing (seasonal) restrictions. These lease stipulations provide for the imposition of such reasonable conditions, not inconsistent with the purposes for which the lease was issued, as the BLM and or FS may require, to protect the surface of the leased lands and the environment. Mitigation measures can be imposed upon a lessee who pursues surface disturbing activities; however, leased land without a "No Surface Occupancy" (NSO) or other similarly restrictive lease stipulation cannot be denied a permit to drill.

### Current Status of Management Plans

#### BLM Land Management

The BLM's principal authority for managing public lands is the Federal Land Policy and Management Act of 1976 (FLPMA, PL 94-579, 43 USC 1701-1782 [Supp.1977]). BLM is responsible for managing public lands based upon the principles of multiple use and sustained yield, compliance with land use plans developed under the Act, and protection of the quality of the resource values. The BFO administers the BLM-administered lands for the portions of Campbell,

Johnson, and Sheridan counties within the Project Area. The BLM CFO administers the BLM lands in the portion of the Project Area within the northern portion of Converse County.

## **Buffalo Field Office**

In 1985, the BFO completed an RMP, which includes land use goals for the BLM-administered public lands and federal mineral estate in the Buffalo Field Office Area (BLM 1985). An updated description of existing management for the Buffalo RMP was completed in April 2001. The update of the 1985 RMP started in 1992 and is based on considerable public input including letters and meetings with individuals and groups. After extensive work with the public the conclusion was that the decisions and management directions from the 1985 Buffalo RMP are still valid (BLM 2001).

Standard lease stipulations and mitigation guidelines for resource protection as provided in “Wyoming BLM Mitigation Guidelines for Surface Disturbing and Disruptive Activities” are now incorporated in the RMP.

## **Casper Field Office**

The Platte River Resource Area RMP was approved in July 1985 and is implemented and monitored by the CFO. With the exception of some specified areas, BLM-administered lands in the Platte River Resource Area are open to oil and gas leasing, subject to the Wyoming BLM mitigation guidelines.

## **National Forest Land Management**

Numerous land parcels within the TBNG are scattered throughout Campbell and Converse counties in the Project Area. Although the Bighorn National Forest is on the western boundary of the Project Area, none of the Bighorn National Forest lands are within the Project Area. Most of the CBM resources on FS lands within the Project Area are located in the westernmost portion of the TBNG. The FS administers the land uses on National Forest System lands based on multiple use principles. The Douglas Ranger District of the Medicine Bow-Routt National Forests administers the public lands and activities within the TBNG. Oil and gas leasing and development activities on National Forest System lands within the TBNG are allowed, subject to the limitations imposed by the LRMP for the Medicine Bow National Forest and TBNG (FS 1985). Actions proposed within the TNBG must conform to the management goals within the LRMP (FS 1985).

No changes to the availability of National Forest Service lands for oil and gas leasing are anticipated. The FS decision as to which lands are currently available for leasing was made in the 1994 ROD for Oil and Gas Leasing. More recently, the Northern Great Plains environmental analysis that is documented in the 2001 FEIS reaffirmed the leasing decision made out of that earlier analysis. Alternative(s) analysis, as required by 36 CFR 228, was conducted during both the 1994 and more recent Northern Great Plains analyses. The Regional Forester needs to

decide from the analysis which lands will be authorized to be offered for lease by the BLM. The FS decision(s) that will be made as a result of this analysis will include lease parcel authorization where that decision has previously been deferred.

The FS completed an FEIS and issued a ROD in 1994 for Oil and Gas Leasing on the TBNG (FS 1994). In 1994, the FS developed many special leasing restrictions for oil and gas activities within the TBNG. Leasing restrictions applicable to drilling or production activities within the TBNG may be included as conditions of approval for APDs on post-1994 leases. The restrictions outlined in the site-specific environmental effects analyses must contain documentation as to whether or not proposed development is consistent with the 1994 FEIS/ROD and the 1985 LRMP.

The Proposed Land and Resource Management Plan for the Thunder Basin National Grassland (Forest Plan) (1999) provides the proposed land use guidelines for the eight management areas within the TBNG. Most of the FS land within the Project Area is managed for livestock grazing. The FS also has special stipulations to protect identified resources within FS-administered lands.

## **Designation of Areas Open or Closed to Leasing**

The decision to not lease oil and gas is made through the planning process. The following sections describe the current status of areas open and closed to leasing.

### **Current Designations**

#### **Buffalo Field Office Area**

The only federal oil and gas that will not be leased in the Buffalo Field Office Area are areas within incorporated cities and towns, such as Sheridan, Buffalo, and Gillette, and the three WSAs (BLM 2001a). The rest of the federal minerals in the Buffalo Field Office Area are open to oil and gas leasing. The total acreage for federal oil and gas not leased is 30,200 (Table 5–1).

#### **Casper Field Office Area**

No areas closed to leasing exist within the CFO's portion of the Project Area.

#### **Thunder Basin National Grasslands**

There are no areas closed to leasing within the Forest Service portion of the Project Area. The decision to make lands available for leasing has already been made in the 1994 ROD for the oil and gas EIS. The analysis in the final EIS for the revision of the TBNG LRMP validates the 1994 decision.

**Table 5–1      Distribution of Area Leasing and Stipulations by Federal Management Responsibility within the Project Area**

	Buffalo RMP	Casper RMP	TBNG		Total
			1985 LRMP	Proposed 2001 LRMP	
Area Closed to leasing					
<i>National Policy Closures (WSAs)</i>	1,333	0	0	0	1,333
<i>Planning Decision Closures (Cities and Towns)</i>	28,867	0	0	0	28,67
Area Open to Oil and Gas Leasing					
<i>Within CBM-productive coals</i> <sup>1</sup>	2,382,929	445,145	95,443	95,443	2,923,517
<i>Outside CBM-productive coals</i>	1,082,583	367,453	161,381	161,381	1,611,417
Area not Leased but Available as of Aug. 2001					
<i>Within CBM-productive coals</i>	119,585	49,153	15,351	15,351	184,089
<i>Outside CBM-productive coals</i>	312,461	16,009	0	0	328,470
Area Leased with Stipulations					
No Surface Occupancy					
<i>Within CBM-productive coals</i>	35,036	8,555	0 <sup>2</sup>	32,267 <sup>2</sup>	75,858
<i>Outside CBM-productive coals</i>	6,729	4,744			7,203
Controlled Surface Use					
<i>Within CBM-productive coals</i>	84,684	24,444	6,779 <sup>2</sup>	654 <sup>2</sup>	116,561
<i>Outside CBM-productive coals</i>	14,686	5,755			
<i>Paleontological</i>				213,927 <sup>2</sup>	213,927
Timing Limitation					
<i>Within CBM-productive coals</i>	556,952	122,207	31,184 <sup>2</sup>	62,994 <sup>2</sup>	773,337
<i>Outside CBM-productive coals</i>	135,356	57,196			192,552

Notes:

1. CBM-productive coals are coal beds that are at least 20 feet thick..

2. Forest Service acreage was calculated based on the TBNG plan database.

Because areas may have more than one type of stipulation, the total area with stipulations plus SLT may be larger than the area open for leasing.

## Proposed Changes to Designations

### Buffalo Field Office Area

None

### Casper Field Office Area

None

### Thunder Basin National Grassland

None

## Oil and Gas Leases and Stipulations

A lease does not convey an unlimited right to explore for or an unlimited right to develop any oil or gas resources found under the land. Leases are subject to terms and conditions. These are restrictions derived from legal statutes and measures to minimize adverse impacts to other resources and are generally characterized in a lease as stipulations. Stipulations modify the rights the government grants to a lessee. The stipulations are known by potential lessees before any sale and must be applied at the time of Application for Permit to Drill.

The Standard Lease Terms (SLT) are contained in Form 3100–11, Offer to Lease and Lease for Oil and Gas, United States Department of the Interior, BLM, June 1988 or later addition. The Standard Lease Terms provide the lessee the right to use the leased land as needed to explore for, drill for, extract, remove, and dispose of oil and gas deposits located under the leased lands. Operations must be conducted in a way that minimizes adverse impacts to the land, air, water, cultural, biological, and visual elements of the environment, as well as other land uses or users.

Federal environmental protection laws, such as the Clean Water Act, Endangered Species Act, and Historic Preservation Act, will be applied to all lands and are included in the standard lease stipulations. If threatened or endangered species, objects of historic, cultural, or scientific value, or substantial unanticipated environmental effects are encountered during construction, all work affecting the resource will stop and the land management agency will be contacted. Surface-disturbing operations that would destroy or harm these species or objects are prohibited. The agencies commonly use Lease Notices to identify the potential for the occurrence of these protected resources, as discussed below.

Standard Lease Terms provide for reasonable measures to minimize adverse impacts to surface resources. These include, but are not limited to, modifications to the siting or design of facilities, timing of operation, and specifications of interim and final reclamation measures. Standard Lease Terms may not require the lessee to relocate drilling rigs or supporting facilities by more than 200 meters (656 feet), require that operations be sited off the leasehold, or prohibit new surface-disturbing operations for more than 60 days each year (43 CFR part 3101.I–2). The lease requires that the lessee meet stipulation conditions or avoid activities within all, or an identified part, of the leasehold. Also, all leases are subject to regulations and formal orders of the Secretaries of the Interior and Agriculture in effect at the time of issuance.

The Standard Lease Terms can be modified by special or supplemental stipulations attached to the lease (43 CFR 3101.I–2 through 3101.I–4). Additional special stipulations can be developed specifically to meet resource concerns that cannot be mitigated by existing stipulations. These special stipulations include:

- *No Surface Occupancy (NSO)* — Neither exploration nor production facilities (e.g., well pads, drilling rigs, and CMFs) would be allowed to be constructed.
- *Controlled Surface Use (CSU)* — Surface occupancy and use are permitted, but are restricted to mitigate effects to particular resources. The CSU

stipulation provides for mitigation measures that would not normally be met by relocating the drilling site the 200 meters provided by the SLT.

- *Timing Limitations (TL)* — Construction activities would be restricted or prohibited during certain periods to protect resources. The TL stipulation provides for mitigation measures that would not normally be met by delaying surface-disturbing operations for the 60 days each year provided by the SLT.

## Lease Notices/Special Lease Notices

A Lease Notice (LN) or Special Lease Notice provides information to a lessee concerning resources that are protected by law or regulation thereby making a specific lease stipulation unnecessary. Currently, the BLM applies two LNs to leases in the Powder River Basin. They are Lease Notice No. 1 and a Special Lease Notice for threatened, endangered, candidate, or other special-status species/habitats. Both LNs are described below.

### Lease Notice No. 1

The lands within this lease may include areas not specifically addressed by lease stipulations that may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, prohibited. Appropriate modifications to imposed restrictions will be made for the maintenance and operation of producing wells.

1. Slopes in excess of 25 percent.
2. Within 500 feet of surface water and/or riparian areas.
3. Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur.
4. Within 500 feet of Interstate highways and 200 feet of other existing rights-of-way (i.e., U.S. and State highways, roads, railroads, pipelines, powerlines).
5. Within ¼ mile of occupied dwellings.
6. Material sites.
7. Within important scenic areas identified in a land use plan (Class 1 and 2 Visual Resource Management Areas (Platte River RMP).
8. Within ¼ mile or the visual horizon (whichever is closer) of historic trails. This notice applies to all parcels (Platte River RMP).

The intent of this notice is to inform interested parties (potential lessees, permittees, operators) that when one or more of the above conditions exist, surface dis-

turbing activities will be prohibited unless or until the permittee or the designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation will occur prior to development and become a condition for approval when authorizing the action.

Specific threshold criteria (e.g., 500 feet from water) have been established based upon the best information available. However, geographical areas and time periods of concern must be delineated at the field level (i.e., "surface water and/or riparian areas" may include both intermittent and ephemeral water sources or may be limited to perennial surface water).

The referenced oil and gas leases on these lands are hereby made subject to the stipulation that the exploration or drilling activities will not interfere materially with the use of the area as a materials site/free use permit. At the time operations on the above lands are commenced, notification will be made to the appropriate agency. The name of the appropriate agency may be obtained from the proper BLM Field Office.

## **Special Lease Notice**

### ***Threatened, Endangered, Candidate, or Other Special Status Plant And Animal Species***

This Special Lease Notice is applied only for the T&E species that may occur in the Project Area.

The lease area may contain habitats for the threatened, endangered, candidate, or other special-status plant and animal species. Species currently listed are identified below. Additional species may be listed in the future by the FWS. Exploration and development proposals may be limited, or modifications required, if activity is planned within the habitat boundaries of a threatened, endangered, candidate, or other special status plant/animal species as it then exists. Upon receipt of a site specific proposal, the authorized officer will review current inventory records of each location and may require that further localized surveys be performed to assure no threatened, endangered, candidate (category I or 2), proposed, or other special status species are present. (Endangered Species Act of 1973 as amended, Sections 2 and 7.)

#### Threatened and Endangered Species

- Black footed ferret - *Mustela nigripes* (Endangered)
- Bald Eagle - *Haliaeetus leucocephalus* (Threatened)
- Ute Ladies' -tresses - *Spiranthes diluvialis* (Threatened)

#### Species Proposed for Listing as Threatened or Endangered

- Mountain plover - *Charadrius montanus*

#### Candidate for Listing as Threatened or Endangered

- Black-tailed prairie dog - *Cynomys ludovicianus*

### **Bozeman Trail**

No surface development will be permitted on the following parcels along the Bozeman Trail in Converse County (1,030 acres).

T36N, R74W, Sec. 22, E1/2E1/2NE1/4

T38N, R74W, Sec. 2, NENESW, N1/2NWSW, NWNE, SWNE, NENW, SENW

T39N, R74W, Sec. 34, NE1/4, E1/2E1/2NW, E1/2SE

Sec. 35, SW1/4, SWNW

T40N, R75W, Sec. 24, W1/2SE

Sec. 25, NE1/4

T40N, R74W, Sec 31, W1/2NW

## **Current Stipulations**

Every two months, each Field Office receives a list of lease parcels proposed for sale. Each parcel is reviewed by resource specialists for compliance to the resource concerns identified in the RMP. Part of this review includes completion of the Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) worksheet. If there are no additional resource value concerns, the parcels will only have Lease Notice # 1 attached. Each parcel is reviewed and pertinent lease notices/stipulations are attached.

After the lease parcels are reviewed, they are sent to the Wyoming State Office mineral leasing section to be included in the next competitive sale auction held in Cheyenne. A company that successfully bids on and obtains a lease parcel is mandated to comply with the stipulations contained on the lease unless the company receives written exception, modification, or waiver of the lease stipulations. Additionally a company is mandated to comply with Federal mandates such as Historic Preservation Act, and Endangered Species Act should these resources be identified before or during construction.

The BLM and FS have applied a variety of stipulations to oil and gas leases on federally administered lands within the Project Area. Although similarities exist, the stipulations vary by management area (BFO Area, CFO Area, and TBNG). The stipulations currently being applied to leases within each management area are discussed below.

### **Buffalo Field Office Area**

This section lists the stipulations that will be applied and a short explanation of the reasons for each stipulation.

**Resource:** Special Management Areas

**Stipulation:** No Surface Occupancy

**Objective:** To preclude surface-disturbing activities or occupancy within special management areas, such as state big game winter ranges, Red Wall, Hole-in-the-Wall, Middle Fork Canyon, Mosier



	Gulch, Petrified Tree, Fortification Creek, Cantonment Reno, and Dullknife Battlefield.
Waiver:	A waiver may be granted if it is determined that the action could occur without causing significant adverse impacts.
Exception:	None
Modification:	None
Justification:	Each of these areas contains one or a combination of important resources such as wildlife habitat, wildlife diversity, high visual quality, and significant cultural, historic, or paleontological values.
<b>Resource:</b>	<b>Crucial Elk Winter Range</b>
Stipulation:	Timing Limitation
Objective:	To preclude new surface-disturbing activities within crucial elk winter range, which could cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).
Waiver:	A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used as winter range. A waiver also may be granted if, after consultation with the Wyoming Game and Fish Department, it is determined that activities within the area would help temporarily disperse the elk from areas of intense use and provide a tool for herd management.
Exception:	An exception may be granted if seasonal conditions (e.g., an early spring and snowmelt) are such that the elk have moved out of and are not using the general area during the particular year.
Modification:	A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as winter range.
	Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 140 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the wintering period would have minimal effects on the elk.
<b>Resource:</b>	<b>Elk Calving</b>
Stipulation:	Timing Limitation
Objective:	To preclude new surface-disturbing activities within elk calving areas, which could cause increased stress and/or displacement of animals during the critical time period (May 1 to June 30).

- Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used as a calving area. A waiver also may be granted if, after consultation with the Wyoming Game and Fish Department, it is determined that activities within the area would help temporarily disperse the elk from areas of intense use and provide a tool for herd management.
- Exception:** An exception may be granted if seasonal conditions (e.g., an early spring and snowmelt) are such that the elk have moved out of and are not using the general area during the particular year.
- Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a calving area.
- Justification:** This stipulation is need to reduce effects of stress during the calving season.

**Resource: Sage Grouse Breeding Areas**

- Stipulation:** Controlled Surface Use
- Objective:** To minimize adverse effects, activities within ¼ mile of a sage grouse strutting/dancing ground will be restricted or prohibited.
- Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sage grouse as a breeding area. A waiver also may be granted if the operator and surface management agency arrive at an acceptable plan for mitigation of anticipated effects.
- Exception:** None.
- Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a breeding area.
- Justification:** A CSU stipulation is needed to ensure minimal effects on integrity and use of sage grouse breeding areas. The No Lease option or NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer around the breeding area with minimal effects on the sage grouse.

**Resource: Sage Grouse Nesting Habitats**

- Stipulation:** Timing Limitation
- Objective:** To preclude new surface-disturbing activities within sage grouse nesting habitats an additional 1 ¾ radius beyond the ¼ mile lek radius, which could cause increased stress and/or displacement of animals during the critical time period (March 1 to June 15).

- Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sage grouse as nesting habitat.
- Exception:** An exception may be granted if seasonal conditions are such that the sage grouse have moved out of and are not using the general area during the particular year.
- Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as nesting habitat.
- Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 150 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on the sage grouse.

**Resource: Sharp-tailed Grouse Breeding Areas**

- Stipulation:** Controlled Surface Use
- Objective:** To minimize adverse effects, activities within 250 yards of a sharp-tailed grouse strutting/dancing ground will be restricted or prohibited.
- Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sharp-tailed grouse as a breeding area. A waiver also may be granted if the operator and surface management agency arrive at an acceptable plan for mitigation of anticipated effects.
- Exception:** None.
- Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a breeding area.
- Justification:** A CSU stipulation is needed to ensure minimal effects on integrity and use of sharp-tailed grouse breeding areas. The No Lease option or NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer around the breeding area with minimal effects on the sharp-tailed grouse.

**Resource: Sharp-tailed Grouse Nesting Habitats**

- Stipulation:** Timing Limitation
- Objective:** To preclude new surface-disturbing activities within sharp-tailed grouse nesting habitats, an additional ½ mile radius beyond the 250 yard lek radius, which could cause increased stress and/or displacement of animals during the critical time period (April 1 to May 31).

- Waiver: A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sharp-tailed grouse as nesting habitat.
- Exception: An exception may be granted if seasonal conditions are such that the sharp-tailed grouse have moved out of and are not using the general area during the particular year.
- Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as nesting habitat.
- Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 150 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on the sharp-tailed grouse.

**Resource: Raptor Nesting Habitat**

- Stipulation: Timing Limitation
- Objective: To preclude new surface-disturbing activities within ½-mile of raptor nest sites, which could cause increased stress and/or displacement of animals during the critical time period (February 1 to July 31).
- Waiver: A waiver may be granted if new habitat studies, in coordination with the WGFD and FWS, concludes that the nest sites affected by this stipulation are no longer used by raptors.
- Exception: An exception may be granted if seasonal conditions are such that the raptors have moved out of and are not using the nest sites during the particular year.
- Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as nesting habitat.
- Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 180 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on raptors.

**Resource: Bald Eagle Winter Roosts**

- Stipulation: Timing Limitation
- Objective: To preclude new surface-disturbing activities within 1-mile of bald eagle winter roosts, which could cause increased stress and/or displacement of animals during the critical time period (November 1 to April 1).

- Waiver: A waiver may be granted if new habitat studies, in coordination with the WGFD and FWS, conclude that winter roosts affected by this stipulation are no longer used by bald eagles.
- Exception: An exception may be granted if seasonal conditions are such that the bald eagles have moved out of and are not using the winter roost during the particular year.
- Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as winter roosts.
- Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 150 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the winter period would have minimal effects on bald eagles.

**Resource: Bozeman Trail**

- Stipulation: Controlled Surface Use
- Objective: To protect the cultural and scenic values of the Bozeman Trail, activities within ¼ mile or the visual horizon of the Bozeman Trail will be restricted or prohibited.
- Waiver: A waiver may be granted if the operator and surface management agency arrive at an acceptable plan for mitigation of anticipated effects.
- Exception: None.
- Modification: None.
- Justification: A CSU stipulation is needed to ensure minimal effects on the cultural and scenic values of the Bozeman Trail. The No Lease option or an NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer or visual horizon with minimal effects on the cultural and scenic values of the Bozeman Trail.

**Resource: Fortification Creek Management Area**

- Stipulation: Controlled Surface Use
- Objective: To protect the wildlife, scenic, and watershed values of the Fortification Creek Management Area.
- Waiver: A waiver may be granted if the operator and SMA arrive at an acceptable plan for mitigation of anticipated effects.
- Exception: None.
- Modification: None.
- Justification: A CSU stipulation is needed to ensure minimal effects on the wildlife, scenic, and watershed values in the Fortification Creek Management Area. The No Lease option or a NSO stipulation,

were deemed to be overly restrictive because operations could be conducted and facilities constructed (e.g., buried) with minimal effects on the wildlife, scenic, and watershed values.

<b>Resource:</b>	<b>Severe Erosion Hazard Areas</b>
<b>Stipulation:</b>	Timing Limitation
<b>Objective:</b>	To protect areas with severe erosion hazards from erosion.
<b>Waiver:</b>	Surface disturbing activities will be prohibited unless or until the permittee or the designated representative and the SMA arrive at an acceptable plan for mitigation of anticipated impacts.
<b>Exception:</b>	None.
<b>Modification:</b>	None.
<b>Justification:</b>	SLT provide for delay of activities for up to 60 days. Because the critical period may extend for much more than 60 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive.

## **Casper Field Office Area**

The following are the resource values identified from the Platte River RMP for which stipulations may be applied:

<b>Resource:</b>	<b>Crucial Elk Winter Range</b>
<b>Stipulation:</b>	Timing Limitation
<b>Objective:</b>	To preclude new surface-disturbing activities within crucial elk winter range, which could cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).
<b>Waiver:</b>	A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used as winter range. A waiver also may be granted if, after consultation with the Wyoming Game and Fish Department, it is determined that activities within the area would help temporarily disperse the elk from areas of intense use and provide a tool for herd management.
<b>Exception:</b>	An exception may be granted if seasonal conditions (e.g., an early spring and snowmelt) are such that the elk have moved out of and are not using the general area during the particular year.
<b>Modification:</b>	A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as winter range.
<b>Justification:</b>	SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 140 days, the SLT would not

be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the wintering period would have minimal effects on the elk.

**Resource: Elk Calving**

**Stipulation:** Timing Limitation

**Objective:** To preclude new surface-disturbing activities within elk calving areas, which could cause increased stress and/or displacement of animals during the critical time period (May 1 to June 30).

**Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used as a calving area. A waiver also may be granted if, after consultation with the Wyoming Game and Fish Department, it is determined that activities within the area would help temporarily disperse the elk from areas of intense use and provide a tool for herd management.

**Exception:** An exception may be granted if seasonal conditions (e.g., an early spring and snowmelt) are such that the elk have moved out of and are not using the general area during the particular year.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a calving area.

**Justification:** This stipulation is need to reduce effects of stress during the calving season.

**Resource: Sage Grouse Breeding Areas**

**Stipulation:** Controlled Surface Use

**Objective:** To minimize adverse effects, activities within ¼ mile of a sage grouse strutting/dancing ground will be restricted or prohibited.

**Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sage grouse as a breeding area. A waiver also may be granted if the operator and surface management agency arrive at an acceptable plan for mitigation of anticipated effects.

**Exception:** None.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a breeding area.

**Justification:** A CSU stipulation is needed to ensure minimal effects on integrity and use of sage grouse breeding areas. The No Lease option or a NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer

around the breeding area with minimal effects on the sage grouse.

**Resource: Sage Grouse Nesting Habitats**

**Stipulation:** Timing Limitation

**Objective:** To preclude new surface-disturbing activities within sage grouse nesting habitats, no surface use is allowed within 1 ¾ miles from the ¼ mile protection zone between March 1 and June 15 so that the nesting area around the strutting and dancing ground can be protected.

**Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sage grouse as nesting habitat.

**Exception:** The authorized officer may authorize exceptions to the time and distance limitations, in any particular year.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as nesting habitat.

**Justification:** A TL stipulation is needed to ensure minimal effects on integrity and use of sharp-tailed grouse nesting areas. The No Lease option or a NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer around the breeding area with minimal effects on the sage grouse.

**Resource: Sharp-tailed Grouse Breeding Areas**

**Stipulation:** Controlled Surface Use

**Objective:** To minimize adverse effects, activities within ¼ mile of a sharp-tailed grouse strutting/dancing ground will be restricted or prohibited.

**Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sharp-tailed grouse as a breeding area. A waiver also may be granted if the operator and surface management agency arrive at an acceptable plan for mitigation of anticipated effects.

**Exception:** None.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a breeding area.

**Justification:** A CSU stipulation is needed to ensure minimal effects on integrity and use of sharp-tailed grouse breeding areas. The No Lease



option or a NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer around the breeding area with minimal effects on the sharp-tailed grouse.

**Resource: Sharp-tailed Grouse Nesting Habitats**

**Stipulation:** Timing Limitation

**Objective:** To preclude new surface-disturbing activities within sharp-tailed grouse nesting habitats, no surface use is allowed within 1 ¾ miles from the ¼ mile protection zone between March 1 and June 15 so that the nesting area around the strutting and dancing ground can be protected.

**Waiver:** A waiver may be granted if new habitat studies in coordination with the Wyoming Game and Fish Department conclude that the area affected by this stipulation is no longer used by sharp-tailed grouse as nesting habitat.

**Exception:** The authorized officer may authorize exceptions to the time and distance limitations, in any particular year.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as nesting habitat.

**Justification:** A TL stipulation is needed to ensure minimal effects on integrity and use of sharp-tailed grouse nesting areas. The No Lease option or a NSO stipulation were deemed to be overly restrictive because operations could be conducted outside the ¼ mile buffer around the breeding area with minimal effects on the sharp-tailed grouse.

**Resource: Raptor Nesting Habitat**

**Stipulation:** Timing Limitation

**Objective:** To preclude new surface-disturbing activities within ½-mile of raptor nest sites, which could cause increased stress and/or displacement of animals during the critical time period (February 1 to July 31).

**Waiver:** A waiver may be granted if new habitat studies, in coordination with the WGFD and FWS, concludes that the nest sites affected by this stipulation are no longer used by raptors.

**Exception:** An exception may be granted if seasonal conditions are such that the raptors have moved out of and are not using the nest sites during the particular year.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as nesting habitat.

**Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 180 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on raptors.

**Resource: Bald Eagle Winter Roosts**

**Stipulation:** No Surface Occupancy

**Objective:** To preclude new surface-disturbing activities within 1-mile of bald eagle winter roosts, which could cause increased stress and/or displacement of animals during the critical time period (November 1 to April 1).

**Waiver:** A waiver may be granted if new habitat studies, in coordination with the WGFD and FWS, conclude that winter roosts affected by this stipulation are no longer used by bald eagles.

**Exception:** An exception may be granted if seasonal conditions are such that the bald eagles have moved out of and are not using the winter roost during the particular year.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as winter roosts.

**Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 150 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the winter period would have minimal effects on bald eagles.

**Resource: Bald Eagle Winter Roosts**

**Stipulation:** Timing Limitation

**Objective:** To preclude new surface-disturbing activities within 1-mile of bald eagle winter roosts, which could cause increased stress and/or displacement of animals during the critical time period (November 1 to April 1).

**Waiver:** A waiver may be granted if new habitat studies, in coordination with the WGFD and FWS, conclude that winter roosts affected by this stipulation are no longer used by bald eagles.

**Exception:** An exception may be granted if seasonal conditions are such that the bald eagles have moved out of and are not using the winter roost during the particular year.

**Modification:** A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as winter roosts.

**Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 150 days, the SLT would not

be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the winter period would have minimal effects on bald eagles.

On public lands, surface development will be prohibited on an area from ¼ to 1 mile of known or discovered nests. The specific distance and dimensions of the area on which surface development will be prohibited will be determined on a case-by-case basis after consultation with the USFWS in accordance with the Endangered Species Act.

## **Thunder Basin National Grassland**

Two distinct sets of stipulations are presented below. Currently, the 1985 LRMP for the TBNG (FS 1985) and the 1994 oil and gas leasing analysis and EIS (FS 1994) provide the direction for the management of oil and gas on the TBNG. However, the FS prepared a new LRMP for the TBNG in 2001. A decision on this proposed LRMP is expected early in 2002. Because this decision may be to implement the new 2001 LRMP, the stipulations associated with both LRMPs are presented below.

### ***Current Land and Resource Management Plan (1985)***

**Resource:** Wildlife

**Stipulation:** Timing Limitation

**Objective:** To prevent oil and gas activities from causing degradation of the crucial wildlife habitat for Forest Plan Management Indicator Species, surface occupancy or use is subject to the following operating constraints:

1. No activities shall be allowed within one mile of an active bald eagle nest or peregrine falcon nest from February 1 to July 31, if they would cause nesting failure or abandonment.
2. No activities shall be allowed within one-quarter mile of an active golden eagle nest from February 1 to July 31, if they would cause nesting failure or abandonment.
3. No activities shall be allowed within one-quarter mile of an active ferruginous hawk, Swainson's hawk, goshawk, osprey or prairie falcon nest from March 1 to July 31, if they would cause nesting failure or abandonment.
4. No activities shall be allowed within one-quarter mile of any rookery from March 1 to July 31, if they would cause abandonment of the rookery, unless specific practices are successfully implemented to maintain or increase the opportunities at other rookery sites.

**Waiver:** Waivers will be considered in accordance with the requirements of Title 36 Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in

considering the request. The Deciding Officer's decision will be based on this information.

**Exception:** Exceptions will be considered in accordance with the requirements of Title 36 Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.

**Modification:** Modifications will be considered in accordance with the requirements of Title 36 Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.

**Justification:** Forest Plan direction pages III-29 thru III-36. Allowing development in crucial wildlife habitat for Management Indicator Species without special consideration generates an unacceptable risk of causing habitat degradation. Additionally many of the Management Indicator Species are protected by law and the stipulation is to insure compliance with these laws.

**Resource:** **Wildlife**

**Stipulation:** Controlled Surface Use

**Objective:** To prevent degrading crucial wildlife habitat for Forest Plan Management Indicator Species by oil and gas activities, surface occupancy or use is subject to the following operating constraints.

1. No activities shall be allowed within one-half mile of an active bald eagle or peregrine falcon nest at any time if they would cause disturbance of the adult birds on the nest.
2. No activities shall be allowed within 300 feet of any ferruginous hawk, Swainson's hawk, goshawk, osprey or prairie falcon nest at any time if they would cause nest abandonment, unless specific practices are successfully implemented to maintain or increase nesting opportunities at other sites. This does not apply to existing surface occupancies.
3. New roads or other developments shall be placed out of sight of the existing raptor nest if possible, unless specific practices are successfully implemented to maintain or increase nesting opportunities.
4. No activities shall be allowed within one-quarter mile of a sage grouse or sharp-tailed grouse lek at any time if they would cause abandonment of the lek, unless specific practices are successfully implemented to maintain or increase the existing habitat capability for grouse.

**Waiver:** Waivers will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be con-

	ducted in considering the request. The Deciding Officer's decision will be based on this information.
Exception:	Exceptions will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Modification:	Modifications will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Justification:	Forest Plan direction pages III-29 thru III-36. Allowing development in crucial wildlife habitat for Management Indicator Species without special consideration generates an unacceptable risk of causing habitat degradation. Additionally, many of the Management Indicator Species are protected by law and the stipulation is to insure compliance with these laws.
<b>Resource:</b>	<b>Wildlife</b>
Stipulation:	Controlled Surface Use
Objective:	<p>To prevent degrading crucial wildlife habitat for Forest Plan Management Indicator Species by oil and gas activities and, in response to public comment, to protect golden eagle nests, anytime within 300 feet, surface occupancy or use is subject to the following operating constraints:</p> <ol style="list-style-type: none"><li>1. No activities shall be allowed within one-half mile of an active bald eagle or peregrine falcon nest at any time if they would cause disturbance of the adult birds on the nest.</li><li>2. No activities shall be allowed within 300 feet of any ferruginous hawk, Swainson's hawk, goshawk, osprey or prairie falcon nest at any time if they would cause nest abandonment, unless specific practices are successfully implemented to maintain or increase nesting opportunities at other sites. This does not apply to existing surface occupancies.</li><li>3. New roads or other developments shall be placed out of sight of the existing raptor nest if possible, unless specific practices are successfully implemented to maintain or increase nesting opportunities.</li><li>4. No activities shall be allowed within one-quarter mile of a sage grouse or sharp-tailed grouse lek at any time if they would cause abandonment of the lek, unless specific practices are successfully implemented to maintain or increase the existing habitat capability for grouse.</li></ol>
Waiver:	Waivers will be considered in accordance with the requirements of Title 36 Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in

	considering the request. The Deciding Officer's decision will be based on this information.
Exception:	Exceptions will be considered in accordance with the requirements of Title 36 Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Modification:	Modifications will be considered in accordance with the requirements of Title 36 Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Justification:	Forest Plan direction pages III-29 thru III-36. Allowing development in crucial wildlife habitat for Management Indicator Species without special consideration generates an unacceptable risk of causing habitat degradation. Additionally, many of the Management Indicator Species are protected by law and the stipulation is to insure compliance with these laws.
<b>Resource:</b>	<b>Soil and Water</b>
Stipulation:	Controlled Surface Use
Objective:	<p>To prevent land slides and mass soil movements being caused by oil and gas activities, surface occupancy or use is subject to the following operating constraints:</p> <p>On areas identified as having a high potential for soil mass wasting and on unstable areas with slopes greater than 34 percent but less than 60 percent no surface occupancy will be allowed unless:</p> <ol style="list-style-type: none"><li>1. No other reasonable alternatives exist, and</li><li>2. It is established to the authorized officer's satisfaction, that the site specific design for the facilities will not cause massive soil movement.</li></ol>
Waiver:	Waivers will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Exception:	Exceptions will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Modification:	Modification will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be

	conducted in considering the request. The Deciding Officer's decision will be based on this information.
Justification:	Forest Plan direction, Page III-58, Item c, page III-59, Items c.1 and c.2. and pages III-74 through III-76. Areas within the classification of "mass wasting potential areas" and slopes under 60 percent and over 34 percent that are unstable. Using these areas for the development of the oil and gas resource generates a risk of massive soil movement.
<b>Resource:</b>	<b>Soil and Water</b>
Stipulation:	Controlled Surface Use
Objective:	<p>To prevent oil and gas activities causing a significant and permanent decrease in soil productivity, surface occupancy or use is subject to the following operating constraints:</p> <p>On areas identified as having a high potential for soil mass wasting and on unstable areas with slopes greater than 34 percent but less than 60 percent no surface occupancy will be allowed unless:</p> <ol style="list-style-type: none"><li>1. No other reasonable alternatives exist, and</li><li>2. It is established to the authorized officer's satisfaction, that the site specific design for the facilities will not cause massive soil movement.</li></ol>
Waiver:	Waivers will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Exception:	Exceptions will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Modification:	Modification will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
Justification:	<p>Forest Plan direction, Page III-58, Item c, page III-59, Items c.1 and c.2. and pages III-74 through III-76. Areas within the classification of "mass wasting potential areas" and slopes under 34 percent are unstable if disturbed significantly. Using these areas for the development of the oil and gas resources, including roads and pipelines, requires special consideration.</p> <p>Riparian soils are sensitive and easily damaged. Using these areas for the development of the oil and gas resource, including roads and pipelines, requires special consideration.</p>

**Resource: Soil and Water**

**Stipulation:** Controlled Surface Use

**Objective:** To prevent oil and gas activities from causing degradation of the riparian, playas, floodplains and wetland values, surface occupancy or use if subject to the following operating constraints:

1. No other reasonable alternatives exist and
2. It is established to the authorized officer's satisfaction that the development will meet Forest Plan Standards and Guidelines about riparian, playas, floodplains and wetland areas.
  - a. Design activities to protect and manage the riparian ecosystem.
    1. Initiate timely and effective rehabilitation of disturbed areas. Restore riparian areas so that a vegetation ground cover or suitable substitute protects the soil from erosion and prevents increased sediment yield.
    2. Maintain the integrity of the ecosystem including quantity and quality of water.
  - b. Locate oil and gas activities away from the water's edge or outside the riparian areas, playas, wetlands, and floodplains unless alternatives have been assessed and determined to be more environmentally damaging. If necessary to locate activities in these areas, then:
    3. Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemicals, or other material) below high water lines, in riparian areas, in areas immediately adjacent to riparian areas or in natural drainageways (draws, land surface depressions or other area where overland flow concentrates and flows directly into streams or lakes).
    4. Prohibit the depositing of soil material from drilling, processing or site preparation in natural drainageways.
    5. Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.
    6. Prohibit stockpiling of topsoil or any other disturbed soil in the active floodplain.
    7. Locate drilling mud pits outside riparian areas, playas, wetlands, and floodplains. If location is unavoidable in these areas, seal and dike all pits to prevent leakage.
    8. Drain and restore roads, pads and drill sties immediately after use is discontinued. Revegetate to 80 percent of ground cover in the first year. Provide surface protection during stormflow and snowmelt runoff events.



9. Avoid constructing roads, drill pads and tank batteries in, or immediately adjacent to riparian areas, playas, wetlands and floodplains. Facilities will be located a sufficient distance from the water's edge so that sediment entering the water is minimized.
  10. Gravel pits shall be rehabilitated to simulate a natural riparian/aquatic situation if permitted in riparian zones.
  11. Do not parallel streams when road location must occur in riparian areas except where absolutely necessary. Cross streams at right angles. Locate crossings at points of low bank slope and firm surfaces.
- c. Riparian areas, playas, floodplains and wetlands; will not exceed a visual quality objective (VQO) of partial retention. This visual management system, as well as the terms partial retention and visual quality objective, are explained in the Forest Service manuals and handbooks.

**Waiver:** Waivers will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.

**Exception:** Exceptions will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.

**Modification:** Modifications will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.

**Justification:** Forest Plan direction pages III-51 through III-53 and pages III-74 through III-76. Riparian areas, playas, floodplains and wetlands are sensitive. Utilizing them for the development of the oil and gas resource without special consideration causes an unacceptable risk of degradation of their values.

**Resource:** **Soil and Water**

**Stipulation:** No Surface Occupancy

**Objective:** To prevent oil and gas activities from causing land slides and similar massive soil movements, no surface occupancy or use is allowed on the lands described below:

This stipulation is to be applied to the mass wasting potential areas with slopes of, or over 60 percent as identified on the Project map Record for the Oil and Gas Leasing EIS (1:24,000 Soils maps).

- In general, larger areas meeting these criteria are located on side slopes of the Rochelle Hills, Miller Hills, Red Hills, HA Divide, Cow Creek Buttes and portions of the Spring Creek unit. Areas less than 40 acres meeting these criteria are scattered throughout the National Grassland.
- Waiver: Waiver will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
- Exception: Exceptions will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
- Modification: Modifications will be considered in accordance with the requirements of Title 36, Code of Federal Regulations Part 228. Environmental analysis meeting the requirements of NEPA will be conducted in considering the request. The Deciding Officer's decision will be based on this information.
- Justification: Forest Plan direction, Page III-58, Item c, and page III-59, Items c.1. and c.2. Areas with a classification of "mass wasting potential areas" and with slopes over 60 percent are unstable, using these areas for the development of the oil and gas resource causes an unacceptable risk of massive soil movement.

***Proposed Land and Resource Management Plan (2001)***

- Resource:** Water, Wetlands, Woody Draws, Riparian, and Floodplains
- Stipulation:** Controlled Surface Use
- Objective:** To protect the biological and hydrologic features of riparian areas, woody draws, wetlands, and floodplains.
- Waivers:** This stipulation may be waived if the authorized officer determines the entire leasehold no longer contains any riparian areas, woody draws, wetlands, or floodplains.
- Exceptions:** The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.
- Modifications:** The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area do not include riparian areas, woody draws, wetlands, and floodplains.
- Justification:** A CSU stipulation is needed to ensure minimal effects on riparian areas, woody draws, wetlands, and floodplains. The No Lease option or an NSO stipulation were deemed to be overly restrictive because operations could be conducted in a way that re-

sults in minimal effects on riparian areas, woody draws, wetlands, and floodplains.

**Resource: Slopes Greater than 40 Percent**

- Stipulation: No Surface Occupancy
- Objective: To protect soil resources from loss of productivity, prevent erosion on steep slopes (greater than 40 percent), soil mass movement, and resultant sedimentation.
- Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any slopes greater than 40 percent.
- Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.
- Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include slopes greater than 40 percent.
- Justification: A NSO stipulation is needed to ensure minimal effects on slopes greater than 40 percent. The No Lease option was deemed to be overly restrictive because operations could be conducted in a way that results in minimal effects on slopes greater than 40 percent.

**Resource: Fossils**

- Stipulation: Controlled Surface Use
- Objective: To protect fossils and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially affected.
- Waivers: No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.
- Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.
- Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include significant fossils.
- Justification: A CSU stipulation is needed to ensure minimal effects on significant fossils. The No Lease option or an NSO stipulation were deemed to be overly restrictive because operations could be conducted in a way that results in minimal effects on fossils.

**Resource: Ferruginous Hawk and Swainson's Hawk Nests**

Stipulation: Timing Limitation

Objective: To prevent reduced reproductive success, new surface-disturbing activities are prohibited from March 1 through July 31 within ½-mile of ferruginous and Swainson's hawk nests.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, can be adequately mitigated, or if all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years.

Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 150 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on ferruginous and Swainson's hawks.

**Resource: Golden Eagle Nests**

Stipulation: Surface use is prohibited from February 1 through July 31 within 0.50 miles (line of sight) of golden eagle nests.

Objective: To prevent reduced reproductive success, new surface-disturbing activities are prohibited from February 1 through July 31 within ½-mile of golden eagle nests.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, can be adequately mitigated, or if all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include

nests or nest site(s) known to have been unoccupied during each of the previous 7 years.

**Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 180 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on golden eagles.

**Resource:** **Merlin Nests**

**Stipulation:** Timing Limitation

**Objective:** To prevent reduced reproductive success, new surface-disturbing activities are prohibited from April 1 through August 15 within ½-mile of merlin nests.

**Waivers:** This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

**Exceptions:** The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, can be adequately mitigated, or if all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

**Modifications:** The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years.

**Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 140 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on merlins.

**Resource:** **Sage Grouse Display Grounds**

**Stipulation:** Timing Limitation

**Objective:** To prevent abandonment of display grounds and reduced reproductive success, surface use is prohibited from March 1 through June 15 within 2 miles (line of sight) of a sage grouse display ground, and noise from production facilities must not exceed 49 decibels (10 dBA above background noise) at the display ground.

**Waivers:** This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within

the leasehold or within the stipulated distance from the leasehold have not been used during the past 5 breeding seasons.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the display ground has not been used by May 1 of the current year.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include any display grounds that have been used during the past 5 breeding seasons.

Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 110 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on the sage grouse.

**Resource: Mountain Plover**

Stipulation: Timing Limitation

Objective: To prevent reduced reproductive success, surface use is prohibited from March 15 through July 31 within 0.25 miles (line of sight) of a mountain plover nests or nest aggregation areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and there are no nests or nest aggregation areas within the leasehold or within the stipulated distance from the leasehold.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the nest or nest aggregation area has not been used by June 10 of the current year.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include mountain plover nests and nesting areas.

Justification: SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 140 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on mountain plovers.

**Resource: Swift Fox Dens (TL)**

Stipulation: Timing Limitation

Objective: To prevent den abandonment and reduced reproductive success, new surface-disturbing activities are prohibited from March 1

through August 31 within 0.25 mile (line of sight) of swift fox dens.

**Waivers:** This stipulation may be waived if the authorized officer determines conditions have changed and there are no dens within the leasehold or within the stipulated distance from the leasehold.

**Exceptions:** The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

**Modifications:** The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include swift fox dens.

**Justification:** SLT provide for delay of activities for up to 60 days. Because the critical period extend for about 180 days, the SLT would not be adequate. The No Lease option or an NSO were deemed to be overly restrictive because operations conducted outside the nesting period would have minimal effects on swift foxes.

**Resource: Mountain Plover Habitat**

**Stipulation: Controlled Surface Use**

**Objective:** To prevent reductions in reproductive success, operations in mountain plover nesting and brooding habitat are subject to the following constraints:

- Limit oil and gas development to no more than one location per 80 acres.
- Suitable mountain plover habitat lost because of new facilities must be replaced within 1 year.
- Access for routine maintenance of oil and gas facilities in mountain plover nesting and brooding habitat will be between 9 am and 5 pm. This does not apply to emergency repairs.
- If it is necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.

**Waivers:** No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

**Exceptions:** No conditions for an exception are anticipated, and approval of an exception would be unlikely.

**Modifications:** The boundary of the stipulated area may be modified if the authorizing officer determines that portions of the area do not contain active prairie-dog colonies.

**Justification:** A CSU stipulation is needed to ensure minimal effects on mountain plover habitat. The No Lease option or an NSO stipulation were deemed to be overly restrictive because operations could be

conducted in a way that results in minimal effects on mountain plovers.

**Resource: Mountain Plover Nests and Nesting Areas**

**Stipulation:** No Surface Occupancy

**Objective:** To prevent reduced reproductive success and adverse habitat loss, no surface occupancy or use is allowed within 0.25 miles of known mountain plover nests or nesting areas.

**Waivers:** No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

**Exceptions:** No conditions for an exception are anticipated, and approval of an exception would be unlikely.

**Modifications:** The boundary of the stipulated area may be modified if the authorizing officer determines that portions or the area do not contain active black-tailed prairie dogs colonies.

**Justification:** An NSO stipulation is needed to ensure minimal effects on mountain plover nests and nesting areas. The No Lease option or was deemed to be overly restrictive because operations could be conducted in a way that results in minimal effects on mountain plover nests and nesting areas.

**Resource: Bald Eagle Nests**

**Stipulation:** No Surface Occupancy

**Objective:** To prevent reduced reproductive success and adverse habitat loss, no surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle nests.

**Waivers:** This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

**Exceptions:** The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

**Modifications:** The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the eagles.

**Justification:** An NSO stipulation is needed to ensure minimal effects on bald eagle nests. The No Lease option or was deemed to be overly re-



strictive because operations could be conducted in a way that results in minimal effects on bald eagle nests.

**Resource:** **Golden Eagle, Merlin, Ferruginous Hawk, Swainson's Hawk, and Burrowing Owl Nests**

**Stipulation:** No Surface Occupancy

**Objective:** To prevent reduced reproductive success and adverse habitat loss, no surface occupancy or use is allowed within 0.25 mile (line-of-sight) of golden eagle, merlin, ferruginous hawk, Swainson's hawk, or burrowing owl nests.

**Waivers:** This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

**Exceptions:** The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

**Modifications:** The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting these raptors.

**Justification:** An NSO stipulation is needed to ensure minimal effects on golden eagle, merlin, ferruginous hawk, Swainson's hawk, and burrowing owl nests. The No Lease option or was deemed to be overly restrictive because operations could be conducted in a way that results in minimal effects on golden eagle, merlin, ferruginous hawk, Swainson's hawk, and burrowing owl nests.

**Resource:** **Sharp-tailed Grouse and Sage Grouse Display Grounds**

**Stipulation:** no surface occupancy or use is allowed within 0.25 mile (line-of-sight) of a sharp-tailed grouse or sage grouse display ground.

**Objective:** To prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss, no surface occupancy or use is allowed within 0.25 mile (line-of-sight) of a sharp-tailed grouse or sage grouse display ground.

**Waivers:** This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance of the leasehold have not been used during the last 2 breeding seasons (sharp-tailed grouse) or 5 breeding seasons (sage grouse).

- Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.
- Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include any display grounds that have been used during the last 2 breeding seasons (sharp-tailed grouse) or 5 breeding seasons (sage grouse). The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse and the display grounds.
- Justification: An NSO stipulation is needed to ensure minimal effects on sharp-tailed grouse or sage grouse display grounds. The No Lease option or was deemed to be overly restrictive because operations could be conducted in a way that results in minimal effects on sharp-tailed grouse or sage grouse display grounds.
- Resource: Moderate Scenic Integrity Objective (SIO) Areas**
- Stipulation: Controlled Surface Use
- Objective: To maintain the scenic integrity objective (SIO) for areas identified as moderate, surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.
- Waivers: No conditions for a waiver are anticipated, and approval of a waiver is unlikely.
- Exceptions: No conditions for an exception are anticipated, and approval of an exception is unlikely.
- Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include moderate SIO areas.
- Justification: A CSU stipulation is needed to ensure minimal effects on moderate scenic integrity objective areas. The No Lease option or an NSO stipulation were deemed to be overly restrictive because operations could be conducted in a way that results in minimal effects on moderate scenic integrity objective areas.

## Proposed Stipulations

### Buffalo Field Office Area

None

## **Casper Field Office Area**

None

## **Thunder Basin National Grassland**

Same as those proposed under the 2001 Final Land and Resource Management Plan.

# **Proposed Plan Amendments**

## **Buffalo and Platte River Resource Management Plans**

The Agency Preferred Alternative would result in an amendment to the Buffalo and Platte River RMPs. The RMP decisions with this alternative would be to continue oil and gas exploration and development including coal bed methane at the higher level of intensity evaluated in this alternative and including new mitigation measures.

## **Thunder Basin National Grassland**

None